

## **CITY OF ROSENBERG REGULAR COUNCIL MEETING MINUTES**

On this the 21<sup>st</sup> day of January, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### **PRESENT**

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Dwayne Grigar	Councilor, District 3
Amanda Bolf	Councilor, District 4

### **STAFF PRESENT**

Robert Gracia	City Manager
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager
Jeff Trinker	Assistant to the City Manager
Lora Lenzsch	City Attorney
Charles Kalkomey	City Engineer
Joyce Vasut	Finance Director
Rachelle Kanak	Interim Economic Development Director
Dallis Warren	Interim Police Chief
Wade Goates	Fire Chief
Travis Tanner	Planning Director
Tonya Palmer	Building Official
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
John Johnson	Police Officer
Angela Fritz	Communications Director
Tommy Havelka	Police Officer
Kaye Supak	Executive Assistant

### **CALL TO ORDER.**

Mayor Morales called the meeting to order at 7:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE.**

Reverend Charles Surovik, New Covenant Fellowship, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

### **PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2013 GAZEBO LIGHTING VOLUNTEERS AND SPONSORS.**

Mayor Morales and Lydia Acosta, Recreation Programs Coordinator presented Certificates of Appreciation to 2013 Gazebo Lighting Volunteers and Sponsors:

- First United Methodist Church of Rosenberg
- Girl Scout Troop 3503
- St. Paul's Lutheran Church
- Whataburger

**PRESENTATION OF CERTIFICATES OF APPRECIATION TO 2013 CHRISTMAS IN ROSENBERG VOLUNTEERS.**

Mayor Morales and Lydia Acosta, Recreation Programs Coordinator presented Certificates of Appreciation to 2013 Christmas in Rosenberg Volunteers:

- Teresa Bailey
- Councilor Amanda Bolf
- Rudy Guerero
- Annalee Machemehl
- Eric Ramirez
- Howard Stinnett

**PRESENTATION OF CONTEST AWARD WINNERS AND SPONSORS OF THE KEEP ROSENBERG BEAUTIFUL 2013 CHRISTMAS LIGHTING AND DECORATING CONTEST BENEFITTING THE FORT BEND COUNTY WOMEN'S CENTER.**

Mayor Morales and Councilor Benton presented Certificates to Winners and Sponsors of the Keep Rosenberg Beautiful 2013 Christmas Lighting and Decorating Contest benefitting the Fort Bend County Women's Center:

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|--|---|
| ➤ Bonnie Burns                             | 2904 Mons Avenue                                |
| ➤ Vanessa Rodriguez                        | 1419 Bell Ridge Lane                            |
| ➤ Tim Kaminski                             | 2417 4 <sup>th</sup> Street (Gingerbread House) |
| ➤ Mr. and Mrs. Bartos                      | 3041 Muegge Road                                |
| ➤ Fort Bend County Women's Center          |   |
| ➤ Allegiance Roofing                       |   |
| ➤ Paramount Printing                       |   |
| ➤ Living Waters Christian School           |   |
| ➤ Keep Rosenberg Beautiful Image Committee |   |

**GENERAL COMMENTS FROM THE AUDIENCE.**

*Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

**COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.**

*Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

**CONSENT AGENDA**

**1. REVIEW OF CONSENT AGENDA.**

*All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.*

**A. CONSIDERATION OF AND ACTION ON SPECIAL MEETING MINUTES FOR DECEMBER 16, 2013, REGULAR MEETING MINUTES FOR DECEMBER 17, 2013, AND SPECIAL MEETING MINUTES FOR DECEMBER 18, 2013.**

**Action:** Councilor McConathy made a motion, seconded by Councilor Euton to approve the Consent Agenda. The motion carried by a unanimous vote.

## REGULAR AGENDA

2. **RECEIVE PUBLIC COMMENT FROM FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 162 REGARDING INCREASE IN MONTHLY FIRE PROTECTION FEE PURSUANT TO THE RESTATED AND AMENDED FIRE PROTECTION AGREEMENT.**

**Executive Summary:** The Board of Directors for Municipal Utility District No. 162 (MUD No. 162) has requested an Agenda item to address City Council regarding the Restated and Amended Fire Protection Agreement (2012) as it relates to Resolution No. R-1701, which extended the compliance deadline for the provision of fire services to September 30, 2016.

**Key discussion points:**

- Lora Lenzsch, City Attorney stated that a representative from the MUD was supposed to be here to address Council.
- No one from the MUD was present at the meeting.
- No action was taken.

3. **CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE ROSENBERG PLANNING COMMISSION SUPPORTING THE CONTINUATION OF THE COMMISSION'S ESTABLISHED MEETING SCHEDULE OF THE FOURTH WEDNESDAY OF EACH MONTH, EXCLUDING NOVEMBER AND DECEMBER; AND, SUPPORTING THE ABILITY OF CITIZEN VOLUNTEERS SERVING EACH CITY BOARD, COMMITTEE, COMMISSION, AND TASK FORCE TO DETERMINE THE BEST MEETING DATE AND TIME TO PERFORM THE BUSINESS OF SAID BOARD, COMMITTEE, COMMISSION, AND TASK FORCE.**

**Executive Summary:** Rosenberg Planning Commission (Commission) is one volunteer group impacted by this change in policy as it meets on the fourth Wednesday of each month. In deference to the Commission's published meeting schedule and plat submittal deadlines, City Council has allowed the Commission to continue to meet as scheduled until June 2014.

In light of City Council's decision, staff scheduled a Commission Agenda item for November 20, 2013, for the Commission to consider alternative meeting days and times. The Commission discussed this policy change at its November meeting, and on December 18, 2013, and has prepared the attached Resolution in support of continuing to meet on its established meeting schedule and in support of all citizen volunteers serving the City to determine mutually agreeable meeting schedules for each group.

The Commission, while cognizant that its members serve at the pleasure of City Council, respectfully submits the attached Resolution and requests that the City Council revisit this policy change and let citizen volunteers determine their own group's meeting schedule.

**Speakers:**

- The following citizens spoke at the meeting:
- **Mike Parsons, 2635 Sequoia, Rosenberg, Texas.**
- On the topic of assigned non-meeting dates, once again, at the probable risk of not being re-elected to the Planning Commission for the next term, I will suggest that City Council extend their focus to what the City of Rosenberg will be 20 to 25 years from now, rather than micro-manage Volunteer Committees. We all realize that various religious organizations meet on various days. That being said, you regularly schedule workshops on Saturday where citizens of Jewish preference attend services. You continue to hold Council Meetings on Tuesday where the Knights of Columbus, a Catholic Organization meets.
- Why not simply leave the decisions of meeting dates to the volunteers themselves and allow the majority rule. That appears to be the feelings of four of the six members on Council trend with regards to the One Way Pairs... Council we simply see some consistency in your directions?
- With regards to growth, like it or not the City will grow. There is absolutely no question to that fact. How it grows is somewhat dependent on the foresight of Council. I understand that some Council Members scoff at the growth of Katy, Fulshear, Sugar Land and/or Pearland in their emails. If that is not what you want for Rosenberg I would assume at the next election you might inform us exactly what you would like it to be 20-25 years from now and how that is in contrast to

those that may be running against you.

- If you want Rosenberg to stay like it is please have the intestinal fortitude to make that public if and when you run again. Thank you.
- **Pete Pavlovsky, Planning Commission Chairman.**
- He stated there is a copy of the resolution in the packet for the record. The Planning Commission is asking that they be allowed to set a date, preferably maintain what they have been doing for years and years and years, meeting on Wednesday night except in November and December depending on how the holidays fall on those two months. He asked Council to let them serve when they feel like they can do the best job for the City.

**Key discussion points:**

- Councilor Euton asked what the vote was with the Commission. Pete Pavlovsky stated it was five to one. Five in favor and the other said it didn't matter to him.
- Councilor Pena stated he thought this had already been resolved. We voted to change the date and his vote will stay the same.
- Councilor Bolf stated that she appreciates people wanting to serve but when citizens came to present this, it would open the door for more. She understands the controversy but she believes that we agreed with Mr. Kalkomey's request that this could meet on Wednesday because of due dates to the end of May so things could be adjusted. Pete Pavlovsky stated until the end of June. Councilor Bolf stated this has been discussed and she thinks it opens the door for more. She does not understand why it is such an issue. She does not think they are micromanaging. She believes City meetings should not be on Wednesday.
- Councilor Benton stated he talked to Commissioners Urbish, Phipps and Poldrack and they have recanted their support of the proclamation. We no longer have five out of six. You have three out of six and the liaison that wishes that we consider folks that would go to church on Wednesday. As he reflects back with the City on committees we all served at the will of Council. When he joined the Image Committee in 2001 there were times we did not have a meeting. It was not a Council decision; it was Councilor Hopkins' decision. He was Chairman of the Committee. If he did not want to meet we did not meet. We didn't go to Council and get a representative to come up here. It was his decision. He thinks this Council has done due diligence in doing their best in letting Council make a decision. We have already reviewed this and voted. If we revisit every item we discuss twice we will have to start paying overtime. He would suggest that no action be taken on the item and uphold the policy we debated.
- Councilor McConathy stated we as a Council appreciate everybody voicing their opinion but she stands by her decision.
- Mayor Morales stated he thinks each committee should make their own decisions for meeting times.
- Lora Lenzsch stated since there are opposing positions regarding the item she suggested voting on it and putting it to rest.
- Councilor Benton disagreed. We have a policy in place.

**Action:** Councilor Benton made a motion, seconded by Councilor McConathy to uphold the decision made earlier and take no action. The motion carried by a vote of 5 to 2 as follows: **Yeses: Councilors Benton, McConathy, Pena and Euton. Noes: Mayor Morales and Councilor Grigar.**

4. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-03, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ALL OF SECTION 29-269 (E), OF ARTICLE VI OF CHAPTER 29, SERVICE UNITS; AND SUBSTITUTING THEREFOR A NEW SECTION 29-269 (E) OF ARTICLE VI OF CHAPTER 29, ESTABLISHING THE NUMBER OF LIVING UNIT EQUIVALENTS (LUES) FOR WATER METER (TAPS) EXCLUSIVELY FOR LANDSCAPE IRRIGATION SYSTEMS AS ZERO AND NO FEES SHALL BE COLLECTED; AND PROVIDING FOR SEVERABILITY.**

**Executive Summary:** On January 07, 2014, City Council considered Ordinance No. 2014-01 that would adopt the updated land use assumptions, capital improvements plan and both the maximum and effective water and wastewater impact fees. After discussion regarding the collection of water impact fees for landscape irrigation meters, City Council took action to table the Ordinance.

Due to the complexity of the Ordinance provisions, staff determined the best of course of action would be to prepare a separate Ordinance to address the impact fees associated with landscape irrigation meters. Therefore, staff has prepared Ordinance No. 2014-03 which if adopted, would establish the number of living equivalent units (LUEs) for all water meters exclusively used for landscape irrigation systems as zero and subsequently no water impact fees would be collected. This provision is currently limited to landscape irrigation meters that serve only public rights-of-way and not privately owned property.

Ordinance No. 2014-01 that would adopt the updated land use assumptions, capital improvements plan and both the maximum and effective water and wastewater impact fees will again be considered as the next Agenda Item.

**Speakers:**

- The following citizens spoke at the meeting.
- **Mike Parsons, 2635 Sequoia, Rosenberg, Texas.**
- I have been a member of the Water and Wastewater Task Force since its inception. The purpose of an impact fee is to share the cost of the infrastructure with the new population so that rates alone do not have to exponentially increase for the population that has already paid their fair share.
- The proposition that adding a meter for an irrigation system will increase the use of water is preposterous. In fact, as an individual who installed an irrigation system years ago, I can attest to the fact that it reduces water usage through its efficiency. Rather than spend hours watering your property with a hose or setting a sprinkler that you forget to turn off it allows you to water multiple areas and regulate the water used based on what you are watering. The use of a sprinkler to do that is often the cause of excessive use of water which ultimately ends up in the sewer in an era where water conservation is a must. If that is disputed please feel free to analyze my residential use of water both pre and post installation to convince yourself. I looked at the addition of an additional meter when it was installed and came to the conclusion that the amount of time it might take to actually offset the cost of the meter to save the sewer costs was excessive and not worth the investment. It was worth the time and pain in watering my one half acre manually. As a matter of fact, the installation of second meters by established residents have been sparse to none since 2010.
- It took years to convince the City to investigate and agree to a study on Impact Fees for Water and Wastewater, I know because I pestered City Council after City Council to do so. In the end the initial cost of approximately \$152,000 (of which \$75,918 was external) perhaps growing to \$200,000 to date – which seems like a lot of money, but has yielded \$2,028,031 through 2013. I'm not sure how many of you all invest but that's a very healthy return on the investment for four years. In fact, in a study done a year or so back calculated that with the homes approved for platting at that time would yield an estimated \$27,000,000. Fiscal year alone yielded \$538,359, second only to 2012 which yielded \$975,311.
- Rather than continue to whine about debt, which process is intended to reduce, this Council should be looking for what Rosenberg needs to be in the next 25 years and rather than debate a recommendation of a Task Force on water and waste meters, that has studied the subject for years. They should consider a study and the options of a Roads and Thoroughfares Impact Fee, which has been recommended to them repetitively for three years. These Impact Fees will seek to reduce the need for some additional debt and offset the costs of other taxes and fees to sustain the growth that will come, no matter what you believe. Just go look at the balance of the County and Rosenberg's growth to date.
- **Fran Naylor, 1424 Callender Street, Rosenberg, Texas.**
- I am here to discuss the water tap fee. What brought this to my attention was, our church, St. Paul Lutheran, 5<sup>th</sup> Street, and I'm not speaking for the church and have not talked to anybody there. They want to put a sprinkler system in and the water tap fee is in the range of \$4,400 and the reason for doing it is that you don't have people at the church all of the time. We would like to beautify our church which is something that the City and Council promotes throughout the community.
- Once you pay for the City fees you still have to hire a plumber and run lines. We are just talking

about the tip of the iceberg. There were many times I considered putting in a extra tap at my house and then I collected and brought a couple of my water bills for the past year and they range from this month, January \$74.00 up to \$189.00 during the summer. I do water my yard but I'm there to take care of it all of the time. I don't think it would be wise to put a water tap in because I don't think I'd live long enough to recoup my investment.

- However; there are cities surrounding us that have different policies. The City of Sugar Land does not charge the extra water tap fee nor does Richmond, League City, Jersey Village and Pearland. Mr. Parsons spoke about growth. The way you get growth is by making people feel part of a community and looking to a Council that is pro-citizen, pro-neighborhood, pro-beautification and just taking consideration of their citizens.
- I think our water tap fee is extremely excessive and I think we should follow the lead of some of the other cities. Thank you.

**Key discussion points:**

- John Maresh, Assistant City Manager read the Executive Summary regarding the item.
- Mayor Morales stated being the business as far as irrigation, Ms. Naylor is right that most cities for irrigation meters only do not charge impact fees. There is a tap fee and a meter fee. Has staff researched the surrounding cities? I know some that Ms. Naylor mentioned that I knew of.
- John Maresh stated yes. We were able to get information from Sugar Land, Richmond, League City, Jersey Village and Pearland. Those are the regional cities.
- Mayor Morales stated there is has never been a residential use of a meter unless it is a large property that recoups its cost in that irrigation meter. Usually they are serviced through the domestic meter. Even from a commercial standpoint, they look at if they can recoup their cost over the next 5 to 10 years. In some cases it is not worth it. There are cases that what you are saving is the sewer charge and still paying for the water. He wanted to clarify all of that before the discussion started.
- Councilor McConathy asked for clarity there will be no impact fee for irrigation meters that are installed in the public right of way but not on private property. Which means that any irrigation meter that is installed upon private property will be subject to an impact fee, is that correct?
- John Maresh stated that is the current ordinance. With this ordinance every irrigation meter would be considered zero equivalent living units so there would be no impact fee.
- Councilor McConathy stated the description is misleading. The sentence says, "this provision is currently limited to landscape irrigation meters that serve only public right of way and not privately owned property".
- John Maresh stated that is currently the case.
- Councilor McConathy stated if what staff is suggesting at the persuasion of Councilor Benton is to create the separate ordinance apart from and separate from the next item that anyone, whether commercial or otherwise, installing an irrigation meter would be subject to no impact fee. The system will be a required permit fee and inspection and something different than this. I support it.
- Councilor Benton asked if there would still be the \$4,500 impact fee on this item.
- John Maresh stated this is only referring to irrigation meters which is water only. This is every irrigation meter; there is no distinction between the type of property.
- Councilor Benton stated any irrigation meter there are no impact fees. John Maresh stated under this proposed ordinance that is correct.
- Councilor Benton stated large businesses will not have an impact fee for irrigation meters. That is farther than he wanted to go. His interest is residences and non-profits.
- John Maresh stated Joyce Vasut, Finance Director did some research and since this Impact Fee Schedule was adopted five years ago the amount of fees collected strictly for irrigation meters is about \$20,000. The ordinance was adopted in December 2008 and there was a one year grace period. The fees began to be collected in December 2009.
- Councilor Benton stated the idea behind an impact fee is to generate income. John Maresh stated it is a fee for the capital expenses necessary to provide that service.
- Councilor Benton asked how much income this fee has generated off of residences since it has been implemented. Joyce Vasut stated none.

- Mayor Morales stated we are talking about when the meter is put in it is to help to pay for capital improvements in that system down the line. John Maresh stated the well capacity, distribution lines, etc.
- Mayor Morales stated we have not had any residential meters because you cannot recoup your cost for 10 to 15 years and it does not make any sense. From the commercial side we will have some expense as far as capital improvement on the system. John Maresh stated potentially yes.
- Councilor Benton stated an impact fee for commercial sounds more reasonable.
- Councilor Bolf stated she understands what this ordinance does.
- Councilor Grigar stated it appears that nobody was paying for it and \$20,000 collected over four years is not a lot of money, \$5,000 per year. He thinks we should go with this request and take a look at it in a couple of years and see what the impact is. I don't think there will be a lot of people waiting at the front door at City Hall to get a meter. He'd like to take a look at it in two years and see how we are doing.
- Councilor Pena agreed with the proposed ordinance.
- Councilor Euton stated she agrees that the impact fee is excessive but is there a fee for the meter and the work.
- John Maresh stated the impact fee is just one component and that is where the system capital improvements and separate from that is the tap fee for the individual meter.
- Councilor Euton stated this would exempt it from the impact fee but not the tap fee. John Maresh stated correct.
- Councilor Grigar referenced Page 2 it says "if a landscape irrigation meter is purchased exclusively to provide water for an irrigation system the number of Living Unit Equivalents (LUE's) shall be considered zero and no fees shall be collected". It says no fees.
- John Maresh stated in the context of the ordinance it is limited this provision specifically relating to the impact fees.
- Councilors Grigar and Euton stated it needs to say "no impact fees".
- Councilor Benton stated he has no problem charging for reading of the meters, installation, cost of the meter. It was just the impact fee. When you turn it on you will pay water fees. He does not see how the City could lose money. In fact we are losing by not doing it because we are losing accounts and customers. We are in the water business.
- Mayor Morales stated, "Councilor, you understand this is going to waive all impact fees for commercial, non-profit and residential?"
- Councilor Benton stated it is not his preference that we do it for commercial but if we have to in order to get residential and non-profit he will go along with it. He suggested we limit it to residences and non-profits and leave in the commercial aspect.
- Mayor Morales stated it is for a 2" meter depending on how the system is setup. It can use a lot of water.
- Lora Lenzsch stated her understanding is if it is not going to apply then it is not going to apply across the board and the City cannot isolate a particular group whether it is commercial to assess the fee. It has to be either assessed or not.
- Mayor Morales stated he does not know of another City from his experience that differentiates between the two.
- Lora Lenzsch stated that is her understanding. If you are not going to assess for residential then you will not assess that fee at all.
- John Maresh stated that is correct. We have looked at ordinances of other cities and it is across the board. There is not a distinction.
- Councilor McConathy stated related to something Councilor Grigar suggested. This is to be reviewed by Council every five years. Can we change the interval in which the impact fee is being reviewed?
- John Maresh stated the Task Force looks at this twice a year and then they file a report to Council. We could look at those collections and it could be included in that report. Statutorily Council is required to go through the update process once every five years.
- Councilor McConathy asked Lora Lenzsch by separating this apart from the general impact fee provision are we subject to changing the timeframe in which we are required to make a decision on the impact fee?

- Lora Lenzsch stated for clarification, that someone indicated they thought this was a separate ordinance; this is part of the impact fee ordinance. You are just amending. We took that one section out so you could address that. This is part of the entire ordinance.
- John Maresh stated anytime you amend the impact fee ordinance you have to go through the public hearing process.
- Councilor Benton asked legal counsel to check the statute to see if we can differentiate between commercial and non-commercial.
- Lora Lenzsch stated she has reviewed the statute and you cannot differentiate. The impact fee has to be applied equally amongst all your servers. You cannot pick and choose. There is an entire calculation that goes into it. You hired consultants to do that. You cannot make exceptions and exemptions.
- Mayor Morales stated if other cities like Sugar Land could assess commercial they would do it.

**Action:** Councilor Grigar made a motion, seconded by Councilor McConathy to approve Ordinance No. 2014-03, an Ordinance amending the Code of Ordinances by deleting all of Section 29-269 (e), of Article VI of Chapter 29, Service Units; and substituting therefor a new Section 29-269 (e) of Article VI of Chapter 29, establishing the number of Living Unit Equivalents (LUEs) for water meter (taps) exclusively for landscape irrigation systems as zero and no fees shall be collected; and providing for severability with monitoring and review every two years. The motion carried by a unanimous vote.

5. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-01, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING EXHIBITS A, B, C, D, AND E AS REFERENCED IN SECTIONS 29-267, 29-268, AND 29-270 OF DIVISION 1, SECTION 29-301 OF DIVISION 2, AND SECTION 29-321 OF DIVISION 3 OF ARTICLE VI OF CHAPTER 29 AND SUBSTITUTING THEREFOR NEW EXHIBITS A, B, C, D, AND E CONCERNING WATER AND WASTEWATER IMPACT FEES; ADOPTING AN UPDATED SERVICE AREA MAP; ADOPTING UPDATED LAND USE ASSUMPTIONS; ADOPTING REVISED MAXIMUM AND EFFECTIVE IMPACT FEES; ADOPTING REVISED WATER AND WASTEWATER IMPROVEMENTS PLANS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**Executive Summary:** The final step in the process to complete the five (5) year update to the water and wastewater impact fees is adoption of an Ordinance that includes the updated land use assumptions, capital improvements plan and both the maximum and effective water and wastewater impact fees. The fees are based upon system-wide land use assumptions and would be applied equally to all applicable properties located throughout the City Limits and Extraterritorial Jurisdiction. The fees are based upon living unit equivalents (LUE's) utilizing the water meter size. The Impact Fee Advisory Task Force Committee reviewed the updates as prepared by the consulting team and recommended adoption of the maximum fees in the amounts of \$3,471.27 for water and \$1,234.17 for wastewater, based upon a 5/8" X 3/4" water meter for a LUE. Using the maximum fees, the total fee amount for a single-family residential home using this size water meter would be \$4,705.44. The fees for larger water meters are adjusted upwards based upon a nationally recognized standard that is published by the American Water Works Association (AWWA). A copy of said recommendation is included in the packet. The Effective Impact Fee Schedule included under Exhibit "C" does round down the maximum fee to the nearest dollar, or \$0.50. Therefore, the effective impact fee for water is \$3,471.00 and \$1,234.00 for sewer making the total amount \$4,705.00 based upon a 5/8" X 3/4" water meter. An impact fee comparison survey from other area cities has also been included in the packet for reference.

This Ordinance was considered at the January 07, 2014 City Council Meeting after the required public hearing was held and action was taken to table the item. Chapter 395.057 of the Local Government Code requires City Council to either approve or disapprove the amendments within thirty (30) days after the date of the public hearing held January 07, 2014.

Staff recommends adoption of Ordinance No. 2014-01 as presented.

**Speakers:**

- The following citizens spoke at the meeting.
- **Carolyn Seiler, 2625 Cedar Lane, Rosenberg, Texas.**



- My concerns were about the previous discussion. I have an underground water sprinkler system. It is currently hooked up through my household meter. I looked into the possibility of getting a meter to alleviate having to pay the wastewater fees. When I found out these fees were so excessive and that there was a possibility they could go up, that brought great concern to me. I have several neighbors that have underground systems with a separate meter and they tell me they have substantial decrease in their overall bill. The concern I have is you charge people four or five thousand dollars to put this in there is no way they will recoup that. I don't think there are a lot of people in this town that have an extra \$5,000 in their back pocket that they can dish out for this. We are already paying the water fees even with a separate tap you will still pay your water fees in the winter time when you don't have to water you will still pay that minimum bill the City will get that. I have concerns on initiating all of these fees and being in the retail grocery business for forty years I know that if you have a product on your shelf and it don't sell you get rid of it. You don't increase the price on it because that gives the wrong impression. I commend you for passing that ordinance that there will be no impact fee for the irrigation meter. Thank you.
- **George Zepeda, 4905 Greenwood Drive, Rosenberg, Texas.**
- Several years ago I purchased a separate meter for the simple reasons of the other fees that were added on to my home meter I was watering my yard with. Which I have an excellent yard. These fees may not let me do it anymore. You all go with fees and fees. We just got through the permit fees now we are going to these water fees. I just don't see it, I really don't. I have checked with Sugar Land, Richmond, League City, and Pearland. I can confirm they don't charge these fees. The commercial end I can see charging fees for the simple reason because of the maintenance on these systems. I have seen them working when it is raining. I have seen a meter shoot up in the air when the sprinkler system is broke. Someone needs to go out and maintain these things. If I have one bad I fix it right away. I disagree on all of these fees, I really do. Thank you very much.

**Key discussion:**

- Mayor Morales stated this item is for impact fees on domestic meters which will have a tremendous impact on development and commercial. The reason that Task Force was setup in 2010 was because our wastewater budget was upside down and we had to figure out a way to achieve capital improvements of our systems. That was the way to do it. He asked John Maresh how that is done in other areas. A lot of times it is done through development agreements.
- John Maresh stated impact fees are through agreements, MUD districts, etc. If the City enters into a contract or development agreement you can determine what that fee will be contractually. The other process is through the development of an actual impact fee. That is what we have here and that was done in 2008 when it was adopted. Essentially, that takes your capital improvement plan, looks at a ten year window of what capital improvements you anticipate that are directly related to new development. Anything that is maintenance or taking care of existing infrastructure cannot be part of that impact fee. Our rates have to cover our operational and maintenance type costs.
- Through that process we look at the capital improvements, new water wells, transmission lines, storage tanks, etc., that are attributed to new development. What you are doing by assessing that fee, is that new development helps pay for those infrastructure costs rather than having to finance the complete cost of those improvements when the time comes to construct those improvements. It is a way to make the new development pay their share of those capital improvement costs versus existing customers paying 100% of those costs.
- Councilor Benton asked for clarification of "domestic".
- Mayor Morales stated it is only the developer when they develop the neighborhood. Then the developer pays for an impact fee to set that meter. No existing resident would have to pay another impact fee if they want to add an irrigation meter.
- John Maresh stated if they were to expand or enlarge their house and they needed a larger size meter then they would have to pay the difference. They would get a credit for the existing size meter and would pay the difference.
- Mayor Morales stated this is to help for future development--new construction, commercial and residential.

- John Maresh clarified that new construction includes any kind of expansion of an existing structure where you need a larger meter.
- Councilor Benton asked when we make economic development agreements from time to time we are asked to waive some of these fees or is it just tax abatements.
- John Maresh stated it can be a combination of things. Since this impact fee has been enacted to his knowledge we have required everyone to pay a fee.
- Councilor Benton stated since he has been on Council haven't we contributed for some water lines.
- John Maresh stated yes, for actual cost for some of the capital improvements but not for the meter impact fees.
- Councilor McConathy referenced the existing ordinance in that there is a provision that allows for a residential customer who is currently on septic and water well, if water becomes available. The provision allows that person to convert to city water and they have the opportunity, because of the expense, to pay that out monthly over a period of eight years. There is a similar provision for lots that are 50' in width or less to have the same opportunity for spreading that cost over a certain number of years.

**Action:** Councilor McConathy made a motion, seconded by Councilor Grigar to approve Ordinance No. 2014-01, an Ordinance amending the Code of Ordinances by deleting Exhibits A, B, C, D, and E as referenced in Sections 29-267, 29-268, and 29-270 of Division 1, Section 29-301 of Division 2, and Section 29-321 of Division 3 of Article VI of Chapter 29 and substituting therefor new Exhibits A, B, C, D, and E concerning water and wastewater impact fees; adopting an updated service area map; adopting updated land use assumptions; adopting revised maximum and effective impact fees; adopting revised water and wastewater improvements plans; providing for conflicts; providing a severability clause and providing an effective date. The motion carried by a unanimous vote.

6. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-02, AN ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF THE CITY OF ROSENBERG, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2014; AWARDING THE SALE THEREOF; AND CONTAINING MATTERS INCIDENT THERETO.**

**Executive Summary:** In November 2006, the voters approved \$11,500,000 in General Obligation Bonds for communications system, streets and sidewalks, parks and recreation, and drainage. \$9,935,000 has been issued since 2006 as follows:

- 2007        \$3,200,000
- 2009        4,100,000
- 2010        2,635,000

The remaining \$1,565,000 is currently needed to continue with the construction of the Dry Creek Drainage Project. On December 17, 2013, City staff presented the schedule for the bond sale and discussed the use of the funds that had previously been issued.

Ordinance No. 2014-02 authorizes the issuance of the Bonds and approves the results of the bidding process and sale of the Bonds. The Ordinance also sets forth the procedures for the finalization of the sale and delivery of the proceeds to the City. Joe Morrow of First Southwest Company and Marcus Deitz with Fulbright & Jaworski LLP, representing the City as Bond Counsel, will be present at the meeting to review the results of the sale with City Council.

Staff recommends approval of Ordinance No. 2014-02, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, General Obligation Bonds, Series 2014; awarding the sale thereof; and containing matters incident thereto.

**Key discussion points:**

- Joyce Vasut read the Executive Summary regarding the item.
- Joe Morrow of First Southwest Company summarized the sale of the bonds.
- The results of the bid were included in the handout provided to Council. There were three bids.

The winning bid was from City Group Global Markets with a true interest cost of 3.16997 percent. We are pleased with the results. The rate is exceptional.

- Tab #3 included the debt service schedule that represents the semi-annual interest and the annual principal payments. We did principal payments that are approximately equal which will give you a declining debt service schedule over time. That is one of the credit strengths the City has is you have a rapid pay off of your debt. We have tried to maintain that.
- Tab #4 included the Moody Investors Service report. Since we were selling a smaller amount we only paid for one credit rating. They affirmed your AA3 rating. Cash reserves and the strength of your financial management is one of the things they highlight. Growth in the tax base is one of the things that leads to a higher rating.
- On the flip side of that, one of the things they say is a drag on your credit rating is level of debt outstanding. He clarified that because the level of debt they refer to is an overall debt burden. When we look at the direct debt of the City it is 2.4% of your taxable assessed valuation and that is low. Lamar CISD has a very large amount of debt outstanding and approximately \$80 million of that is tied or shared with your taxable assessed value. That is one of the schedules they prepare is overlapping debt. They look at the school district, the county and all the municipal utility districts within the City. They will be working with the rating agencies because as you grow with utility districts within and they continue to issue debt they take that ratio and apply it against the whole city. They have expressed that it is not an accurate way to review the entire city. That is one of the things they noted. It is not of a concern in the sense you continue to grow with your taxable assessed valuation. Every growing city has to deal with this. Primarily the school district is driving that metric for you. Today's sale results are excellent and they recommend that the bonds be awarded.
- Councilor Grigar stated this was in the bond election in 2006 and he is glad to see this is the final one that will help with Dry Creek. He has been with that project since that time and trying to improve that creek and moving water out of our City and around City Hall. That is all in the flood plain and with those improvements it will lower that flood plain and take most of the City out of the flood plain. He is glad to see this go and he encouraged Council to come together and vote it up instead of down.
- Mayor Morales stated this is for Dry Creek Drainage.

**Action:** Councilor Grigar made a motion, seconded by Councilor Bolf to approve Ordinance No. 2014-02, an Ordinance authorizing and ordering the issuance of the City of Rosenberg, Texas, General Obligation Bonds, Series 2014; awarding the sale thereof; and containing matters incident thereto. The motion carried by a unanimous vote.

7. **REVIEW AND DISCUSS PROPOSED AGREEMENT FOR VIDEO STREAMING SERVICES, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Video recording and streaming of City Council meetings was funded in the FY2014 Budget. In addition to adding recording equipment in the City Council Chamber, project implementation will require several additional improvements including: upgrading existing municipal channel design and broadcast equipment (ongoing); executing an Agreement for the installation of recording, production, and dissemination of meeting videos (Agreement attached for discussion here); and, possible additional improvements to Council Chamber technology to better facilitate communications for the public, City Council, and staff.

Project implementation will require an up-front investment in equipment (both for recording/streaming, and for municipal channel station management) which will be funded via the Public, Education, Government (PEG) Capital Fund; as well as ongoing fees for production and streaming services (funded through the General Fund). An Agreement was attached in the agenda documentation for City Council's review and comment and is for the video recording/streaming portion of the project. The Agreement includes: \$24,453 for video recording equipment and installation; \$6,719 for streaming equipment; and a recurring \$1,135/month (\$13,620/year) for on-demand, live video streaming, and remote-switching (off-site production, indexing, etc.).

The Agreement will be finalized and brought back for final consideration at a future meeting. Once the Agreement is finalized, staff will work with Swagit Productions, LLC, to develop a more detailed implementation schedule in conjunction with the other items that must be completed for implementation.

**Key discussion points:**

- Angela Fritz, Communications Director explained the executive summary as stated above. The Public, Education, Government (PEG) Capital Funds will be used to pay for the video streaming. The PEG Funds can only be used for certain projects which benefit the municipal channel. The recurring monthly charge will be paid out of the Communications General Fund as a professional services fee.
- Angela Fritz summarized the changes needed to the Council Chamber in order to implement the video streaming.
- Angela Fritz has been working with Swagit Productions, LLC, to produce a more accurate timeline on this work. Angela Fritz showed several examples of other cities/clients' video streaming to explain how the video streaming will operate. The streaming will be live on the website, as well as on the Comcast television channel. This is a good communication tool for those who cannot make a meeting or have questions about a particular agenda item. The users have the choice to view only the item or item(s) they are interested in. Usually, thirty-six (36) months are archived on the website.
- Councilor McConathy stated she is excited about this.
- Councilor Benton said this was not on the top of his list. He would like to see people show up at the meetings.
- Councilor Bolf asked if the people out of Plano were chosen by the City. Angela Fritz answered she has been researching this for several years and this firm is very cost effective, versus buying equipment and hiring personnel to run and upkeep the system. Councilor Bolf felt this is a good thing for the elderly.
- Councilor Grigar stated he thinks it is much needed. Councilor Grigar asked for an explanation of the PEG Funds. Angela Fritz stated when the state passed a state franchise fee for the cable companies, the City of Rosenberg opted into the state franchise. This imposes a 1% PEG fee to the customers and the Federal Communications Company regulates the expenditures for the PEG Funds, which can only be used to pay for projects which benefit the cable channels or similar projects. Angela Fritz explained the branding of the cable channel and website and some of the changes she plans to implement.
- Councilor Euton and Mayor Morales also thanked Angela Fritz for her implementation of the project.
- No action is required at this time. Council's consensus was to move forward with this project.

8. **REVIEW AND DISCUSS PROPOSED INSTALLATION OF FOUR-WAY STOP SIGNS AT THE INTERSECTION OF AVENUE L AND MILLIE STREET, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** This item has been included on the Agenda to allow City Council the opportunity to discuss the proposed addition of four-way stop signs at the intersection of Avenue L at Millie Street.

**Speakers:**

- The following citizens spoke at the meeting:
- **Diana Cook, 1312 Millie Street, Rosenberg:**
- She has resided at this address for almost 40 years. There is much traffic that goes through on Millie Street. Much of this traffic moves at a high rate of speed, sometimes it sounds like a racetrack and goes on all the time. In the mornings, there are young children and teenagers standing near this intersection waiting for the school bus to pick them up. In the afternoon, the bus drops them off at this intersection as well. Please, for the safety of the children, the subdivision, as well as community as a whole, drivers included, let us make this a safe area. I strongly believe that a preventative action needs to be taken and that a four way stop sign needs to be placed at the intersection of Avenue L and Millie Street. Thank you for letting me speak to you today.

- **Evelyn Ward, 1317 Mille Street, Rosenberg:**
- Councilor Benton stated that Evelyn Ward has laryngitis and he would help her speak. She has seen a lot of accidents and it scares her.
- Councilor Benton stated that Evelyn has been home a lot recently, since she has been sick, and has seen a lot of near misses. Before he was on Council, Evelyn, along with the Dresner's and others, have expressed concern about the danger and near misses of accidents. There is fast traffic and requested Council to consider a four way stop sign at that location.
- **Wanda Sebesta, 1220 Millie Street, Rosenberg:**
- She has lived there for approximately thirteen (13) years and for thirteen (13) years the speeding traffic has been an issue. There is a four way stop on the north side of Millie Street and Avenue K, which slows down the traffic on the north side, but once they clear that four way stop, it has increased speed all the way to Avenue N. I am here to ask that you give us consideration in placing a four way stop at Avenue L and Millie Street. Thank you.
- **Nina Davis, 1217 Millie Street, Rosenberg:**
- She lives directly across the street from Wanda Sebesta and has lived there for just over ten (10) years and wants to express the same concern as the other. The traffic is exceptionally fast. The cars seem to have no concern for anybody on the street or close to the street. We have children that walk to school and walk home down to the corner where there is no stop sign. There seems to be a cross through from the Walgreens and the bank down the street for people to get to Avenue N. It is quite a thoroughfare day and night, so please consider putting the four way stop signs in at Avenue L and Millie Streets. Thank you.
- **Mike Parsons, 2635 Sequoia Lane, Rosenberg:**
- While I have little issue with any individual or individuals suggesting that stop signs be placed on their street, I would assume that the Council person or persons who represent them have explained in detail the process in which streets are considered. In addition, I would suggest that this Council or Councils in the future use uniform methods to arrive at those decisions or every corner in Rosenberg may find itself with four way stops.
- Trust me when I say that there would be no problem to attain 19 to 20 signatures for a number of stop signs on Mons Avenue--a street, which was "improved" at the disfavor of the citizens who live on it or live on streets that have direct access.
- A street where the average speed was verified to be 38 miles per hour (mph), with highs to 50 to 60 mph after an accident at the corner of Mons Street and Sequoia Lane several years back. A street where I encourage the Rosenberg Police Department and any other law enforcement agency to use my driveway to monitor speeds and issue tickets thereon, including access to my house, facilities if they so desire.
- Once Council goes down the silly road (no pun intended) of petitions they will be smothered with petition after petition to deal with, rather than focus and concentrate on the long term growth of Rosenberg.
- It is of interest that some members of this Council scoff at the recorded instances of traffic issues as it has to do with Avenues H (Highway 90) and I (FM 1640), but appear not to have considered accident rates on either Avenue L or Millie Street? Could this be a prelude to the addition of other requests for four way stops on other streets in the area having been sought for years?
- Council might consider some consistency in making decisions regarding streets with regard to safety, in my humble opinion. Suggest a traffic study in the area and determine if safety incidents appear to require a four way stop, as has been done in the past and make a uniform and consistent decision on the topic. It is these kinds of issue that appear to be, at best, a simulation of politics at a national level. Thank you.

**Key discussion points:**

- Councilor Benton stated that Council has received a copy of the request signed by nineteen (19) individuals that live closest to the area and are most affected by the lack of traffic control. He respectfully asked that Council place a four way stop sign at the intersection of Avenue L and Millie Street. He doesn't object to Mr. Parson's comments that there are a lot of intersections around town that need stop signs, but you can't finish until you start, and we have folks that are interested and four folks here tonight. I don't think as representatives of folks we cannot help

them out in situations like this.

- Mayor Morales stated that Council takes these requests very seriously. On his own street, Bryan Road, he had a petition last year given to him to lower the speed limit. He explained to the citizens that the City has a process and criteria to follow. We do a traffic study, the traffic study may come back it may be in your favor, it may not. The traffic study was done, and part of Bryan Road qualified for a lower speed, and part of it did not. Without the requested criteria, this Council could not have made that decision. We are not traffic engineers. I do take your request very seriously, but I think a traffic study should be done and that should be the criteria that we follow on what the results are. I hope you respect what I am asking.
- Councilor Benton stated we have done traffic studies.
- Councilor McConathy had a question. Have we done a recent traffic study on that street? Charles Kalkomey stated last time we took traffic counts was the latter half of 2011 which is about 2.5 years ago.
- Councilor McConathy asked how much of a gap do we allow before we do another traffic study. Charles Kalkomey stated there is no policy on the time and another count would be appropriate if Council desired.
- Councilor Bolf stated everyone knows what she thinks about studies, but I think the people who live there is a great study. We definitely need to look at it, and do something. I think the citizens see it every day, but something needs to go in that direction.
- Councilor Grigar stated he agrees something may need to be looked at, but to be across the board, we need to be fair. Just because I think someone is speeding, speed is deceiving. With the counters we have, they count the axles so we know if 18-wheelers are going through there and they count the speed, and how many axles. The manual on Uniform Traffic Control devices takes the politics out of it. It keeps it uniform across the City, so that we apply these all across. If we keep on doing it without a traffic study, without any criteria that's being followed, then this City could be in chaos and we could begin having stop signs everywhere. Avenue N is a perfect example. We have no stop sign between Alamo Street and Radio Lane. You could have how many stop signs along there—at every intersection. That's not feasible. There are other places in the City that are the same way, so I would like to have a traffic study and count done to see what those speeds are and if it does warrant that, then I would like to have those put in place.
- At this intersection, are there already two stop signs? Charles Kalkomey answered yes there are two stop signs at the cross street. Councilor Grigar asked if we had any accidents at this there since 2011. Charles Kalkomey answered that in 2011 there was one accident at the intersection in the previous three years. We have not looked at any accident counts since then. If we do another study, we would look at that.
- Councilor Pena stated he doesn't think these people are looking at the speed limit being lowered, they are asking for someone to regulate the traffic coming through there with a stop sign. I don't believe everyone wants a stop sign in their corner. I don't like driving down some of the streets in Rosenberg. In fact, I avoid them because they do have stop signs everywhere. I think the lady might have seen me almost have an accident in that same intersection. I personally experienced a near accident at that very intersection and I do think it is very dangerous and if we need to follow the traffic study, then we will do that. They park a lot of trucks close to the intersection there and it makes it a blind spot. I think I didn't see the car. Maybe there is some other way to help you. We thank you for your concern.
- Councilor Euton stated she agrees with Councilor Bolf in that she is not a real fan of all the studies, but in a city of this size, we probably need to have some sort of criteria in order to establish the rules uniformly, so I would propose we do a study and try to find out some cure for the residents there.
- Councilor Benton stated this intersection has been studied to death. We are not being good stewards of the people's money to continue to pay for studies. We have people that have requested action by their representatives. They are taxpayers too. We know what we need. I, myself had an accident at this intersection in March 2012. Also, to compare Avenue N with Millie Street is not a fair comparison. Avenue N is designated as a thoroughfare. I do not believe Millie Street is a thoroughfare. We have a lot of drag strips in this town. We need to start addressing them.

- Mayor Morales stated one thing brought up by Councilor Pena is that like the truck there may be some no parking that needs to be done. This is where the traffic study comes in and not us guessing what needs to be done.

**Action:** Councilor Benton made a motion, seconded by Councilor Pena to approve the four way stop signs at the intersection of Avenue L and Millie Street. The motion carried 4-3, as follows: **Ayes: Councilors Benton, McConathy, Pena, and Bolf. Noes: Mayor Morales, Councilors Euton and Grigar.**

Mayor Morales stated he respects the vote, but thinks a traffic study should be done. Thank you very much.

9. **CONSIDER MOTION TO ADJOURN FOR EXECUTIVE SESSION.**

**Action:** Councilor McConathy made a motion, seconded by Councilor Benton to adjourn for executive session. The motion carried by a unanimous vote.

10. **HOLD EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.074 TO DELIBERATE THE APPOINTMENT OF THE POLICE CHIEF; AND, FOR DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS AS AUTHORIZED BY SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.**

An Executive Session was held pursuant to Texas Government Code Section 551.074 to deliberate the appointment of the police chief; and, for deliberations regarding economic development negotiations as authorized by Section 551.087 of the Texas Government Code.

11. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

12. **REVIEW AND DISCUSS POLICE CHIEF POSITION, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** This Agenda item has been included for City Council to take action if deemed necessary following Executive Session.

No action to be taken as a result of executive session.

13. **ANNOUNCEMENTS.**

- Councilor McConathy congratulated the City of Rosenberg Parks Department for their recognition by the Houston-Galveston Area Council particularly the Texas Master Naturalists for all the work they have done in the parks. The City received a big recognition on behalf of the Parks and the Texas Master Naturalists today.
- Mayor Morales recognized the Police Department and Sergeant Ariel Soltura for the positive national media attention.

14. **ADJOURNMENT.**

There being no further business, Mayor Morales adjourned the meeting at 9:45 p.m.

  
Linda Cernosek, TRMC, City Secretary